

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SARVIX INTERNATIONAL, LTD., a  
Marshall Islands corporation,

Plaintiff,

v.

VICTRON ENERGY, B.V., a Netherlands  
corporation,

Defendant.

CASE NO. 2:22-cv-00890-JHC

ORDER RE: DEFENDANT'S  
MOTION TO DISMISS

This matter comes before the Court on Defendant's Motion to Dismiss Complaint, filed on August 17, 2022. Dkt. # 15. On September 6, 2022, Plaintiff filed an amended complaint. Dkt. # 21.

In the Ninth Circuit, the filing of "an amended complaint supercedes the original complaint and renders it without legal effect." *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 927 (9th Cir. 2012). "Courts often apply this rule to motions to dismiss a complaint that has since been superseded and deny such motions as moot." *Bisson v. Bank of Am., N.A.*, No. C12-0995JLR, 2012 WL 5866309, at \*1 (W.D. Wash. Nov. 16, 2012) (collecting cases). Plaintiff's amended complaint (Dkt. # 21) has superseded the original complaint (Dkt. # 1) and is now the operative pleading in this proceeding. Accordingly, the Court STRIKES Defendant's motion to dismiss

1 the original complaint (Dkt. # 15) as moot. *See Caldwell v. Boeing Co.*, No. C17-1741JLR, 2018  
2 WL 2113980, at \*3 (W.D. Wash. May 8, 2018) (“the court denied Boeing’s first motion to  
3 dismiss as moot because Mr. Caldwell’s second amended complaint superseded his original  
4 complaint and rendered his original complaint without legal effect.”).

5 Dated this 9th day of September, 2022.

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7 John H. Chun  
8 United States District Judge  
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